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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,277	07/31/2000	Hiroyuki Miyoshi	9369-49(T37-124487M/TH)	4913

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PHILADELPHIA, PA 19103-7013

EXAMINER

BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/629,277

Applicant(s)
MIYOSHI et al

Examiner
Thomas J. Brahan

Art Unit
3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 31, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). There is no basis in the specification for the terms "supporting members" and "radial web" added by the amendment to claim 1. It is not clear if these elements are new matter.

2. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the radial web of claim 1 must be shown, or the feature must be canceled from the claims. No new matter may be entered.

3. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate description of the claimed invention. The structures of the supporting member and the radial web are not understood. Is the supporting member different from the support member? Is the radial web a spoke-like part of the radial disk? The radial web appears to be new matter.

5. Claims 1-6 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification. This is a new matter rejection.

6. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

7. Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. It is unclear as to what structure applicant is considering as the supporting member of claim 1, and how it varies from the support member recited in claim 2. It is also unclear as to what applicant is

considering as the radial web of claim 1, as this is not discussed in the specification, nor is a web or radial spoke shown in the drawings.

b. It is unclear as to how the motor assembly of claim 1, line 6, varies from the drive assembly of claim 2, line 3. These appear to be the same assemblies, however the wording of the claims have them as two different assemblies.

8. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

9. Claims 1-3, 5, and 6, as best understood, are rejected under 35 U.S.C. § 103 (a) as being unpatentable over JP 11-79627 in view of Aulanko et al (EP 719 724). JP '627 shows an elevator apparatus comprising:

an actuating device including a sheave (30) around which a roper (34) engaging a ascending and descending cage is wound, the sheave being adapted to rotate thereby to move the rope with its rotation;

a driving section for rotating the sheave, the driving sections including a speed reducer (20), a motor assembly (3, 4, and 9), an input shaft (2) and a supporting member (5), the motor assembly including a rotary disc (9) extending radially, a rotor (4) being fixed to an outer circumference of the rotary disc (9; as the rotor is mounted on a web at the outer circumference of the disc), the input shaft (2) being fixed to a

central portion of the rotary disc (9), the input shaft being rotationally driven by the motor assembly (3, 4, and 9), the supporting member (5) positioned in facing relationship to the rotary disc (9; note that the supporting member has a hub portion extending to the rotary disc), the supporting member (5) supporting the speed reducer (20).

JP '627 varies from claim 1 by not specifying that the actuating device is mounted in a machine room at the top floor of the building. Aulanko et al shows a similar radial elevator motor and teaches that it can be mounted in either a machine room at the bottom of the elevator shaft (figure 2) or at the top of the elevator shaft (figure 4). It would have been obvious to one of ordinary skill in the art to mount the elevator actuator of JP '627 in a machine room at the top of the building, as this is a conventional mounting arrangement for these types of elevator motors, as taught by Aulanko et al. The speed reducer is mounted on a first side of the supporting member/support member (5) and the drive assembly/motor assembly (3, 4, and 9) and the brake assembly (40) are on the second side of the support member, as claim 2 is best understood. The speed reducer (20), the drive assembly (3, 4, and 9), and the brake assembly (40) of JP '627 are arranged coaxially, as recited in claim 3. The output of the speed-reducer constitutes the sheave, as recited in claim 5. Both JP '627 and Aulanko et al have the motors floor mounted, as recited in claim 6.

10. Claim 4, as best understood, is rejected under 35 U.S.C. § 103 (a) as being unpatentable over JP '627 in view of Aulanko et al (EP 719 724), as applied above to claim 2, as applied above to claim 2, and further in view of Hakala et al. JP '627, as modified, shows the basic claimed elevator device, but varies from claim 4 by not having the brake located radially inwardly of the motor. Hakala et al shows a similar compact elevator drive and teaches placing the brake mechanism (122, 123) within the motor. It would have been obvious to one of ordinary skill in the art to modify the actuating assembly of JP '627 by having its brake mechanism located radially within the motor, to reduce the space occupied by the actuating assembly, as taught by Hakala et al.

11. Claims 1-3, 5, and 6, as best understood, are rejected under 35 U.S.C. § 103 (a) as being unpatentable over JP '627 in view of Beaulieu. JP '627 shows the claimed elevator drive as detailed above. It varies from claim 1 by not showing how it is mounted in the building. Figure 2 of Beaulieu shows a similar elevator apparatus with its drive assembly (18) installed in a machine room (42) provided on a top floor of a building as to have its rotation surface of the sheave opposing a side of the cage when the cage

is positioned at the top floor. It would have been obvious to one of ordinary skill in the art to mount the drive assembly of JP '627 in an elevator machine room which is located at the top of the elevator shaft, to save building space, as taught by Beaulieu. The speed reducer is mounted on a first side of the supporting member/support member (5) and the drive assembly/motor assembly (3, 4, and 9) and the brake assembly (40) are on the second side of the support member, as claim 2 is best understood. The speed reducer (20), the drive assembly (3, 4, and 9), and the brake assembly (40) of JP '627 are arranged coaxially, as recited in claim 3. The output of the speed-reducer is its sheave, as recited in claim 5. The mounting of the support is to the floor as recited in claim 6.


12. Claim 4, as best understood, is rejected under 35 U.S.C. § 103 (a) as being unpatentable over JP '627 in view of Beaulieu, as applied above to claim 2, and further in view of Hakala et al. JP '627, as modified, shows the basic claimed elevator device, but varies from claim 4 by not having the brake located radially inwardly of the motor. Hakala et al shows a similar compact elevator drive and teaches placing the brake mechanism (122, 123) within the motor. It would have been obvious to one of ordinary skill in the art to modify the actuating assembly of JP '627 by having its brake mechanism located radially within the motor, to reduce the space occupied by the actuating assembly, as taught by Hakala et al.

13. Applicant's argues in the amendment filed March 31, 2003, that claim 1 recites that "supporting member 22 is positioned in facing relationship to a radial web of the rotary disk 15", and that the "supporting member 22 supports the speed reducer 20". However the supporting member (a.k.a. the support member) 5 of JP '627 includes a hub portion on its left as seen in figure 1, which is in facing relationship with the disc portion of the rotor support 9. It also includes a second hub portion on its right which supports the speed-reducer 20. Applicant also argues that the other references used in the rejections do not overcome this deficiency in the JP' 626 reference, however the motor of JP '627 has the support structure recited in the claims, and the other references are used for merely to show elevator mounting locations or brake mounting locations. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Thursdays from 8:30-6:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.


THOMAS J. BRAHAN
PRIMARY EXAMINER